

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

SOPHIA VAZQUEZ,

Plaintiff,

v.

WAL-MART, INC., *et al*,

Defendants.

CIVIL ACTION NO. 5:20-CV-198 (MTT)

ORDER

On May 26, 2020, the Court ordered the Plaintiff's counsel to either explain to the Court how this action could be prosecuted by Sophia Vazquez, a minor, or move to join the appropriate representative for the Plaintiff. Doc. 5. Failing that, the Court ordered the Plaintiff's counsel to show cause why this case should not be dismissed. *Id.* The Plaintiff's counsel failed to respond to the May 26, 2020 show cause order. On July 22, 2020, the Court notified all parties that it scheduled a status conference for August 13, 2020. The Court required the Plaintiff's counsel to appear in person for this conference. The following is a summary of the Court's comments and findings at the August 13, 2020 show cause hearing.

The subject of the Court's May 26, 2020 show cause order was the fact that the Plaintiff, according to the pleadings, is a minor, and nothing in the pleadings explained how the Plaintiff had capacity to maintain this action. The Court scheduled the show cause hearing after its efforts to answer the question regarding the Plaintiff's capacity

through the Plaintiff's lawyer were unsuccessful. In short, the Plaintiff's lawyer has totally ignored the Court.

He also has totally ignored several attempts to have him update his status with the Court. Despite repeated attempts, he has not met the Court's admission requirements. Finally, he failed to show up for this show cause hearing. Thus, he has ignored the Court's hearing notice, as well.

Counsel for Wal-Mart was not present either. The Court had notified counsel for Wal-Mart that they could appear by telephone. Perhaps they have the same view of the case that the Plaintiff's counsel has. But in any event, none of the parties or counsel were present at the status conference.

Because of the Plaintiff's counsel's failure to appear and failure to respond to the Court's several inquiries despite our warnings, this case is dismissed. It should probably be dismissed with prejudice, but that would be an undue sanction against the Plaintiff, so it is dismissed without prejudice. Should the case appear in this Court again, the Court will employ the assistance of the United States Marshal Service to ensure that the Plaintiff's counsel appears to address its concerns.

In sum, the Plaintiff failed to respond to the Court's show cause order and has not made a showing of good cause. The Plaintiff's complaint is, therefore, **DISMISSED without prejudice**.

SO ORDERED, this 20th day of August, 2020.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT